## DETAILED ACTION

*Status of the Claims*

1. This action is in response to the amendment filed on December 6, 2007. Claims 1-20 are pending. Claims 1, 9 and 13-20 are amended. All the pending claims are examined.

*Response to Arguments*

2. Applicant's arguments filed December 6, 2007 have been fully considered but they are not persuasive.

      In response to the applicant's request of withdrawal or 112 2nd paragraph rejection, examiner believes that it is not clear what "predetermined first condition", "predetermined second condition", "first condition", and "second condition" refer to. In addition, it is not clear if the "predetermined first condition" recited in the independent claims is the same as the "first condition" recited in the dependent claims, and the "predetermined second condition" recited in the independent claims is the same as the "second condition" recited in the dependent claims; thus, the rejection sustains.

      In response to the applicant's arguments that Whitworth fails to teach "calculating a probability, in which a part of said plurality of said risk factors satisfy a predetermined first condition, and a probability, in which remaining said plurality of said risk factors satisfy a predetermined second condition using said database", examiner respectfully disagrees. First, as discussed in the 112 2nd paragraph rejections, it is not clear what the "predetermined first condition" and "predetermined second condition refer to. Secondly, Whitworth teaches pricing the insurance based on two types of analysis,

which are the grouping and regression.  Grouping calculation is based on the condition

that the data profiles already existed in the database, and Regression calculation is

based on the remaining condition, which is no data profiles existed in the database

(column 12 lines 6-58).  Examiner believes that the grouping analysis and the

regression analyze disclosed in Whitworth satisfies the claimed limitations.

### Claim Rejections - 35 USC § 112

3.  The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.  Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

As to claims 1-20, the applicant uses the phrases "predetermined first condition",

"predetermined second condition", "first condition", and "second condition".  It is not

clear what are those conditions refer to.  Furthermore, it is not clear if the

"predetermined first condition" recited in the independent claims is the same as the "first

condition" recited in the dependent claims, and the "predetermined second condition"

recited in the independent claims is the same as the "second condition" recited in the

dependent claims.

### Claim Rejections - 35 USC § 102

5.  The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by (US

6,009,402) Whitworth.

The claims have been rejected to the best of the Examiner's ability considering

the condition of the claims.

Claims 1, 9, 17-19 and 20. Whitworth discloses, A compensation contract

supporting system that supports a compensation contract which provides a customer

compensation for a profit risk created by a plurality of risk factors that influence a profit

of said customer, comprising: a database for storing statistical data of said plurality of

risk factors; a first probability calculation unit for calculating a probability, in which a part

of said plurality of said risk factors satisfy a predetermined first condition, and a

probability, in which remaining said plurality of said risk factors satisfy a predetermined

second condition using said database, and at least one of said first condition and said

second condition being an non-financial condition that is not related to a financial

product (col. 12, lines 6-58); and a ratio calculation unit for calculating a ratio between a

first compensation amount to be paid or received by said customer when said part of

said risk factors satisfy said first condition and a second compensation amount to be

paid or received by said customer when said remaining risk factors satisfy said second

condition using said probability calculated by said first probability calculation unit (col.

11, lines 6-67).

Claims 2 and 10. A compensation contract supporting system, wherein said first

compensation amount is an amount to be paid to said customer when said part of said

risk factors satisfy said first condition, and said second compensation amount is an amount to be received from said customer when said remaining risk factors satisfy said second condition (col. 14, lines 45-59).

Claims 3 and 11. A compensation contract supporting, further comprising: a correlation calculation unit for calculating a correlation among said plurality of risk factors based on said statistical data read out from said database; wherein: said ratio calculation unit calculates a ratio between said first compensation amount and said second compensation amount using said probability calculated by said first probability calculation unit and said correlation calculated by said correlation calculation unit (col. 14, lines 9-15).

Claims 4 and 12. A compensation contract supporting system, further comprising: a second probability calculation unit for calculating a probability in which said first condition, which is to be a base for calculating said first compensation amount, and said second condition, which is to be a base for calculating said second compensation amount, are satisfied at the same time; wherein: said ratio calculation unit calculates said ratio further using said probability calculated by said second probability calculation unit (col. 14, line 1-co1.15, line 17).

Claims 5 and 13. A compensation contract supporting system, further comprising: an amount acquiring unit for acquiring any two of said first compensation amount, said second compensation amount, and a prepaid amount, which are requested by said customer, said prepaid amount being an amount to be previously received from said customer or to be previously paid to said customer to cover a

difference between a risk created by said first compensation amount and a risk created

by said second compensation amount; and an amount calculation unit for calculating

remaining one of said first compensation amount, said second compensation amount,

and said prepaid amount using said any two of said first compensation amount, said

second compensation amount, and said prepaid amount acquired by said amount

acquiring unit, and said ratio calculated by said ratio calculation unit (col. 16, lines 8-38).

Claims 6 and 14. A compensation contract supporting system, further

comprising: a contract database for storing data related to said compensation, which is

provided to said customer by the compensation contract supporting system; and a risk

calculation unit for calculating a payment, amount-risk involved in a contract, which is

concluded via said compensation contract supporting system, using a present value of

said risk factors and said contract database (col. 11, lines 1-62).

Claims 7 and 15. A compensation contract supporting system, further

comprising: a contract database for storing data related to said compensation, which is

provided to said customer by the compensation contract supporting system (col. 11,

lines 39-62); and a risk calculation unit for calculating a payment-amount-risk created by

the compensation provided to said customer by the compensation contract supporting

system using said contract database and said first condition or said second condition of

said risk factors (col. 12, lines 6-58); wherein: said ratio calculation unit calculates said

ratio using said payment-amount-risk calculated by said risk calculation unit (col. 13,

lines 8-51).

Claims 8 and 16. A compensation contract supporting system as claimed in claim 1, further comprising a risk factor acquiring unit which acquires information related to said customer from said customer, acquires said risk factors from said database, calculates a correlation between said information and said risk factors, selects the risk factors, an absolute value of said correlation of which is greater than a predetermined value, and outputs said selected risk factors to said first probability calculation unit (col. 12, lines 25-58 and col. 14, lines 9-59).

*Conclusion*

7.   THIS ACTION IS MADE FINAL.  Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action.  In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.  In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Inquire*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY CHEUNG whose telephone number is (571)272-6705.  The examiner can normally be reached on Monday – Thursday from 10:00 AM to

7:00 PM.  If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

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Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings

is assigned are as follows:

(571) 273-8300       (Official Communications; including After Final

                     Communications labeled "BOX AF")

(571) 273-6705       (Draft Communications)


/Mary  Cheung/
Primary Examiner, Art Unit 3694
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